

REMARKS

Claims 1-21 are pending in this application. Claim 1 has been amended merely to correct a minor clerical error. The amendment to claim 1 is not intended to narrow the scope of this claims in any way.

Entry of this amendment is proper under 37 C.F.R. § 1.116 as the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues that would require further consideration and/or search as the amendments merely amplify issues discussed throughout the prosecution; (c) do not present any additional claims without canceling a corresponding number of claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented as they are in response to arguments raised in the final rejection. Entry of the Amendment is respectfully requested.

Claim Rejection – 35 USC § 103

Claims 1-21 were rejected under 35 U.S.C. § 103(a) over Gregg (U.S. Patent Application Publication No. 2003/0046589 A1) (hereinafter Gregg '589) in view of Messer et al. (U.S. Patent Application Publication No. 2004/0230491 A1) (hereinafter Messer). Applicant respectfully traverses this rejection for at least the following reasons.

Gregg '589 discloses a system for securing and tracking usage of transaction services or computer resources by client computer(s) from a server computer. The system in Gregg '589 includes a clearinghouse (30), account holder administration software (32), a secure transaction server (34) and a number of account holder software (36) (see paragraph 34 in Gregg '589). The secure transaction server (34) operates in conjunction with the transaction clearinghouse (30) to authenticate and authorize account holders to collect their transaction data (see paragraph 36 in Gregg '589).

The account holder software (36) requests transaction services and the request is communicated to the secure transaction server (34). The server (34) then commands the account holder to login. The account holder software 36 inputs the login parameters. The secure transaction server (34) then forwards the parameters to the transaction clearinghouse (30). If the parameters are valid, the transaction clearinghouse (30) provides a response to the secure transaction server (34) which then enables the account holder software (36) to access the transaction services (see Figure 2 and paragraph 40 in Gregg '589).

Therefore, in Gregg '589, the clearinghouse (30) does not receive a request from the account holder or "user computer" (36). Furthermore, in Gregg '589, the clearinghouse (30) does not provide access for the account holder or "user computer" (36) to a requested site through the clearinghouse (30). The clearinghouse (30) merely receives parameters from secure transaction server (34) and if the parameters are valid the clearinghouse (30) provides a response to the secure transaction server (34) which then enables the account holder (36) to access the transaction services. In addition, in Gregg '589, the account holder (36) directly accesses the transaction services in secure transaction server (34) if the parameters are valid.

Consequently, Gregg '589 does not disclose, teach or suggest "...the clearinghouse server computer receiving a request from a user's computer to access a site," as recited in claim 1. Furthermore, Gregg '589 does not disclose, teach or suggest "the clearinghouse server itself providing access for a user's computer to the requested site through the clearinghouse server computer when the access to the requested site is approved," as recited in claim 1.

In addition, Gregg '589 does not disclose, teach or suggest "receiving a request for access through the clearinghouse server," as recited in claim 18. Similarly, Gregg '589 does not disclose, teach or suggest "receiving a request from a user for access to a site through the clearinghouse server computer," as recited in claim 19. Indeed, in Gregg '589, the request by the user (account holder) for access is received through the secure transaction server not through the clearinghouse server. Moreover, Gregg '589 does not disclose, teach or suggest "the buyer is not the user," as recited in claim 19. In Gregg '589, the account holder on the account holder computer 36 is the user and there is no distinction between a user and a buyer (an account holder may be a buyer).

Moreover, as conceded in the Office Action, Gregg '589 does not disclose, teach or suggest "the user's computer does not directly access the requested site," as recited in claim 1. The Examiner contends, however, that Messer discloses a clearinghouse (130) itself providing access to the requested site through the clearinghouse server; a clearinghouse server (130) receiving a request from user (160) and wherein the user's computer does not directly access the requested site. Applicant respectfully disagrees.

Messer fails to cure the deficiencies noted above in Gregg '589. Messer discloses a processing system for tracking commerce on the internet. A user (160) accesses the internet to visit an affiliate web page (120), the web page (120) including banner-type ads (125). The banner ad (125) is linked to clearinghouse server (130) and the link continues to merchant

(140). The merchant (140) submits text file reports back to the clearinghouse (130) regarding affiliate triggered commerce and delivers purchased goods to the user (160) (see Figure 1 and paragraphs 24 through 27 in Messer).

Messer does not disclose, teach or suggest "...the clearinghouse server computer receiving a request from a user's computer to access a site," as recited in claim 1. Indeed, in Messer, the clearinghouse server (130) does not receive a request from user (160) to access a site (merchant site 140). In Messer, the clearinghouse server (130) merely "tracks traffic" of the user (160) to determine if and when the user was involved in a purchase at the merchant site (140) and whether to allocate a purchase commission to the affiliate (120).

Furthermore, Messer does not disclose, teach or suggest "the clearinghouse server itself providing access for a user's computer to the requested site through the clearinghouse server computer when the access to the requested site is approved," as recited in claim 1. In addition, Messer does not disclose, teach or suggest "receiving a request for access through the clearinghouse server," as recited in claim 18. Similarly, Messer does not disclose, teach or suggest "receiving a request from a user for access to a site through the clearinghouse server computer," as recited in claim 19. Indeed, as stated above, the clearinghouse server (130) in Messer does not authorize access to the requested site (merchant site 140) but merely monitors traffic of the user to determine whether to allocate a purchase commission to the affiliate (120).

Moreover, Messer does not disclose, teach or suggest "the buyer is not the user," as recited in claim 19. In Messer, the user (160) is led through the banner link (125) to the merchant site (140) where the user makes a purchase. Therefore, in Messer, the user is the buyer.

Consequently, for at least the above reasons, neither Gregg '589 nor Messer, alone or in combination, disclose, teach or suggest the subject matter recited in independent claims 1, 18 and 19.

Therefore, Applicant respectfully submits that claims 1, 18 and 19, and claims 2-17 which depend from claim 1 and claims 20-21 which depend from claim 19, are patentable. Thus, Applicant respectfully requests that the rejection of claims 1-21 under § 103(a) over the combination of Gregg '589 and Messer be withdrawn.

CONCLUSION

In view of the foregoing, Applicant submits that this application is in condition for allowance. An early and favorable indication of same is kindly requested. If any point remains at issue, however, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PIPER RUDNICK LLP

A handwritten signature in black ink, appearing to read 'Dale Lazar', with a long horizontal flourish extending to the right.

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